

1 **ROBERT SALINAS, SBN 184260**

2 **PAMELA KONG, SBN 220912**

3 **SUNDEEN SALINAS & PYLE**

4 1330 Broadway, Suite 1830

5 Oakland, California 94612

6 Telephone: 510.663.9240

7 Telefax: 510.663.9241

8 Attorneys for Plaintiff

9 **HECTOR MALDONADO**

10 **UNITED STATES DISTRICT COURT**

11 **NORTHERN DISTRICT OF CALIFORNIA**

12 **SAN FRANCISCO DIVISION**

13 **HECTOR MALDONADO**

14 Plaintiff,

15 vs.

16 **MERRILL LYNCH, PIERCE, FENNER & SMITH**
17 **INCORPORATED and DOES 1-10,**

18 Defendants.

Case No. C 05-01644-MMC

STIPULATION AND ~~[PROPOSED]~~
ORDER CONTINUING TRIAL DATE AND
ASSOCIATED CASE MANAGEMENT
DEADLINES AND ORDER THEREON

The Honorable Maxine M. Chesney

19 WHEREAS, the Court has set a trial date and case management deadlines in this matter;

20 WHEREAS, the two main actors in this matter, plaintiff and plaintiff's supervisor, have been
21 deposed and one other member of defendant's management team will be deposed by January 26, 2006;

22 WHEREAS, this matter involves a significant number of decision-makers and witnesses (Seven
23 additional depositions are currently set, with at least three more anticipated.), including expert witnesses,
24 because computer issues are involved, as well as damages witnesses, including psychological damage;

25 WHEREAS, a number of depositions have and will be set as expert disclosure deadlines
approach, such that the parties will incur significant attorney fees and costs;

STIPULATION AND [PROPOSED] ORDER CONTINUING TRIAL DATE AND
ASSOCIATED CASE MANAGEMENT DEADLINES

Case No. C 05-01644 MMC

1 WHEREAS, the parties have exchanged extensive paper discovery, including a computer hard-
2 drive, CDs with internet histories, Merrill Lynch's policies and the like;

3 WHEREAS, plaintiffs have propounded requests for additional documents and things, including
4 all of the computer hard-drives at plaintiff's former branch office;

5 WHEREAS, the parties have engaged in several discussions and agree that the completion of
6 discovery will result in substantial and expenditure of attorney fees and out-of-pocket costs;

7 WHEREAS, the parties further agree that if there is a chance for informal resolution, the time is
8 now, before these considerable costs and fees are incurred by the parties;

9 WHEREAS, pursuant to this court's order, the parties have agreed upon and have selected for
10 mediation, Hon. Richard Hodge, Retired Judge of the Alameda County Superior Court and a mediation
11 date has been scheduled for March 1, 2006;

12 WHEREAS, an informal resolution will conserve the time and resources of the parties and of the
13 court;

14 WHEREAS, it is impossible for the parties to complete mediation and discovery without
15 incurring considerable costs and attorney time under the current scheduling order; the parties
16 respectfully request that this court reconsider the parties' prior request, and continue the trial for 60 days
17 to the week of August 7, 2006, or to the next available date thereafter convenient to the court, and adjust
18 the scheduling order accordingly. Alternatively, the parties respectfully request that this court extend
19 the current scheduling order as follows:

20 (1) the parties will disclose experts by February 27, 2006, or the next available date
21 thereafter convenient to the court;

22 (2) the parties will designate rebuttal experts by March 17, 2006, or the next available
23 date thereafter convenient to the court;

24 (3) the parties will conclude non-expert discovery on March 27, 2006, or the next
25 available date thereafter convenient to the court;

**STIPULATION AND [PROPOSED] ORDER CONTINUING TRIAL DATE AND
ASSOCIATED CASE MANAGEMENT DEADLINES**

Case No. C 05-01644 MMC

(4) the parties will conclude expert discovery on April 24, 2006, or the next available date thereafter convenient to the court;

(5) dispositive motions shall be filed no later than May 9, 2006, or the next available date thereafter convenient to the court.

Respectfully submitted,

DATED: January 25, 2006

SUNDEEN SALINAS AND PYLE
ROBERT SALINAS
PAMELA KONG

By: /S/
ROBERT SALINAS

Attorneys for Plaintiff
HECTOR MALDONADO

DATED: January 25, 2006

MUNGER, TOLLES & OLSON LLP
TERRY E. SANCHEZ
AILSA W. CHANG

By: /S/
TERRY E. SANCHEZ

Attorneys for Defendants
MERRILL LYNCH, PIERCE, FENNER &
SMITH INCORPORATED

**STIPULATION AND [PROPOSED] ORDER CONTINUING TRIAL DATE AND
ASSOCIATED CASE MANAGEMENT DEADLINES**

Case No. C 05-01644 MMC

ORDER OF THE COURT

The parties having failed to show good cause for a continuance of the trial date,

IT IS HEREBY ORDERED that:

(1) The jury trial currently scheduled for Monday, June 5, 2006 at 9:00 a.m. ~~be continued to~~ remains unchanged. ~~2006 at 9:00 a.m.~~

(2) The parties will conclude non-expert discovery on March 17, 2006.

(3) The parties will designate experts no later than February 27, 2006.

(4) Expert rebuttals will be filed no later than March 17, 2006.

(5) The parties will conclude expert discovery on April 24, 2006.

(6) Dispositive motions shall be filed no later than March 24, 2006.

(7) Further status conference statements will be due than March 3, 2006.

(8) A further status conference currently scheduled for March 3, 2006 at 10:30 a.m. will be continued to March 10, 2006 at 10:30 a.m.

(9) Lead trial counsel shall meet and confer no later than April 25, 2006.

**STIPULATION AND [PROPOSED] ORDER CONTINUING TRIAL DATE AND
ASSOCIATED CASE MANAGEMENT DEADLINES**

Case No. C 05-01644 MMC

(10) The pretrial conference date currently scheduled for May 23, 2006 at 3:00 p.m. is hereby continued to the _____, 2006 at 3:00 p.m.

Dated: January 27, 2006



The Honorable Maxine M. Chesney

**STIPULATION AND [PROPOSED] ORDER CONTINUING TRIAL DATE AND
ASSOCIATED CASE MANAGEMENT DEADLINES**

Case No. C 05-01644 MMC